

United States District Court

E-FILING

NORTHERN

FILED
DISTRICT OF

CALIFORNIA

2007 AUG 13 P 2:26

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

CRIMINAL COMPLAINT

Jose TORRES-Calderon

(Name and Address of Defendant)

07 70482 HRL

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 18, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bryan T. Kinsley
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

8/13/07
Date

at

San Jose, California
City and State

Howard R. Lloyd
United States Magistrate Judge

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

RE: TORRES-Calderon, Jose A72 090 967

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

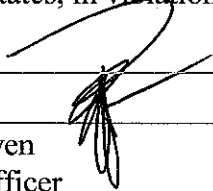
- (1) Mr. TORRES-Calderon is a 36-year-old male who has used seventeen (17) aliases and three (3) dates of birth in the past.
- (2) Mr. TORRES-Calderon has been assigned one (1) Alien Registration number of A72 090 967, FBI number of 80592PA6, California Criminal Information Index number of A09892410, and a Santa Clara County Personal File Number of DQX546.
- (3) Mr. TORRES-Calderon is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on three (3) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
April 8, 1994	Otay Mesa, CA
June 13, 1995	Calexico, CA
January 12, 2004	San Ysidro, CA

- (4) Mr. TORRES-Calderon last entered the United States at or near San Ysidro, CA on or after January 12, 2004, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. TORRES-Calderon on a date unknown, but no later than June 18, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On June 19, 2007, Mr. TORRES-Calderon was interviewed by Immigration Enforcement Agent (IEA) James Freer at the Santa Clara Co Jail Elmwood, Milpitas, CA, and during that interview, Mr. TORRES-Calderon was advised of his **Miranda** rights in English. Mr. TORRES-Calderon waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: TORRES-Calderon, Jose A72 090 967

- (6) Mr. TORRES-Calderon was, on April 14, 1992, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of SALE OF COCAINE, a felony, in violation of Section 11352 of the California Health and Safety Code, and was sentenced to four (4) years in prison.
- (7) Mr. TORRES-Calderon was, on February 14, 2005, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to six (6) months in jail.
- (8) Mr. TORRES-Calderon was, on June 15, 2005, convicted in the Superior Court of California, in and for the County of San Mateo, for the offense of BURGLARY: SECOND DEGREE, a felony, in violation of Section 460(b) of the California Penal Code, and was sentenced to six (6) months in jail.
- (9) Mr. TORRES-Calderon was, on February 28, 2007, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of VEHICLE THEFT, a felony, in violation of Section 10851(a) of the California Vehicle Code, and was sentenced to 1 year in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. TORRES-Calderon illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 13 day of Aug, 2007



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE